

Falls Division, has held that it does not. ***Klein v. Federal Insurance Co.***, 2014 WL 4476556, at *5 (N.D.Tex. Sept. 11, 2014) (Fitzwater, C.J.). However, a defendant must do more than merely plead a boilerplate affirmative defense. There must be a sufficient factual basis for an affirmative defense to provide the Plaintiff fair notice. ***Id*** at *5, citing ***Woodfield v. Bowman***, 193 F.3d 354, 362 (5th Cir. 1999).

Although ... in some instances merely pleading the name of the affirmative defense may be sufficient, a ‘fact-specific inquiry’ is required to determine whether the pleadings set forth the ‘minimum particulars’ needed to ensure the plaintiff is not the victim of unfair surprise.
Id at 362.

3. Fed. R. Civ. P. 12(f) provides that “The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” Defendants’ affirmative defenses in this instance are insufficient as a matter of law. ***Kaiser Aluminum & Chem. Sales, Inc. v. Avondale Shipyards, Inc.***, 677 F.2d 1045, 1057 (5th Cir. 1982) (“Although motions to strike a defense are generally disfavored, a Rule 12(f) motion to dismiss a defense is proper when the defense is insufficient as a matter of law.”). The instant allegations are boilerplate articulations of various affirmative defenses. These affirmative defenses are insufficient as a matter of law because no factual basis is provided in connection with the asserted affirmative defenses.

PRAYER

IN VIEW OF THE FOREGOING CONSIDERATIONS, Plaintiffs pray that this motion in all things be granted and that and for all other relief that the Court in its inherent power and discretion deems warranted to achieve the fair and efficient administration in this cause.

Respectfully submitted,

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/s/ Paul N. Gold

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CERTIFICATE OF SERVICE

I certify that that have on this 31st day of March 2016 served a copy of this document on counsel for Gradie E. Moore, M.D., Texoma Women's Clinic, P.A., Laura Sherman Casillas, R.N., and United Regional Healthcare System, Inc. in accordance with Fed. R. Civ. P. 5 and L.R. 5.1.

/s/ Paul N. Gold

PAUL N. GOLD